

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

September 15, 2011

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, S. Warmington, B. Larson, B. Turnquist, T. Michalski,
J. Doyle, W. Parker, B. Smith

MEMBERS ABSENT: B. Mazade

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: G. Hillebrand, 1426 E Lake Grove, Gr. Rapids; C. Banks, Antioch
Baptist Church; D. Braden, 1786 Wood St; D. Schott, 2226
Cottage Grove; B. Dykstra, Missing Link Group; R. Rocha, AFGE
Local 3272 representative; S. Antekeier, Fleet Engineers

Chairman T. Michalski stated that there was another site plan review case added to the agenda.
It is case number 2011-15 regarding the Fleet Engineers building at 1981 Port City Blvd.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of July 14, 2011 be approved, was made B.
Turnquist, supported by B. Smith and unanimously approved.

L. Spataro arrived at 4:04 p.m.

PUBLIC HEARINGS

Hearing; Case 2011-11: Request for a Special Land Use Permit, per section 2203 of Article XXII of the Zoning Ordinance, to allow an expansion of a nonconforming structure, not exceeding 30% of the total floor area of the existing building in an R-1, Single Family Residential District at 2251 Resort Ave. by Garth Hillebrand. M. Franzak presented the staff report. Side setbacks for R-1 districts must be at least 6 feet, measured from the drip edge. The side setback on the north side of this lot is approximately 4.5 feet, which makes the structure legally nonconforming. The parcel is also considered legally nonconforming because it does not meet the minimum 6,000 square-foot lot size requirement. The parcel is roughly 5,200 square feet. Section 2203 (Nonconforming structures) of the Zoning Ordinance states that nonconforming structures may be changed to an extent not exceeding thirty percent (30%) of the total floor area of the existing building. The total floor area of the building is 728 square feet, so the applicant is allowed to request an addition of up to 218 square feet. The proposed addition is 216 square feet, and would be used as extra living space, not a porch. After the addition, the building would still meet the 30-foot rear setback requirement. Notice was sent to properties within a 300 foot radius of this parcel. Staff received the following phone calls regarding this case: 1) Mr. Lance England owns a property at 2257 Resort and is in favor of the request to add an extension as long as it doesn't detract from the neighborhood and will beautify the area, 2)

Martin Leyrer of 2223 Resort called and said he has no objections to the request, 3) Harlan Hansen of 3121 Country Club Dr. called to say that he has no objections to the request, 4) Joann Vanderploeg of 2233 Resort has no objections to the request, and 5) Mrs. Hoos, 2261 Resort called and said they have no objections to the request. The 1997 Master Plan Future Land Use Map identifies the property as “residential”. Based on compliance with the 1997 Master Plan, staff recommends approval.

G. Hillebrand stated that it was a small house and they wanted to add some living space. S. Warmington asked if the house was his primary residence or a rental property. G. Hillebrand stated that he used it as a cottage in the summer, and did rent it out sometimes.

A motion to close the public hearing was made by L. Spataro, supported by B. Larson and unanimously approved.

A motion that the Special Land Use Permit, per section 2203 (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a nonconforming structure not exceeding 30% at 2251 Resort Avenue be approved, based on compliance with the City’s Master Land Use Plan and conditions set forth in Section 2203 of the City of Muskegon Zoning Ordinance with the conditions that: 1) the owner shall permit the Zoning Administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, and 2) the Special Land Use Permit shall become null and void within one year of the public hearing if the structure has not been constructed, was made by L. Spataro, supported by J. Doyle and unanimously approved.

Hearing; Case 2011-12: Request for a Special Land Use Permit, per section 1101 of Article XI of the Zoning Ordinance, to allow a church in a B-2, Convenience and Comparison Business District at 431 E Laketon Avenue, by Cynthia Banks of Antioch Baptist Church. This property is zoned B-2, Convenience and Comparison Business District and is a vacant former restaurant. Properties to the east and west are also zoned B-2, and properties to the north and south are zoned R-1, Single Family Residential. Churches are allowed as a special use in B-2 districts, and Antioch Baptist Church would like to relocate to this building. Parking standards for churches require one space for each six seats, plus one space for every two employees. There is a parking lot in the front and back of the building. There is enough room for over 30 parking spaces, which would be adequate for about 175 seats and a couple of employees. The applicant has not yet stated how many seats there will be. There is proper ingress and egress for the property. According the zoning ordinance regarding churches, the principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet. There is a 35 foot setback from the nearest residentially zoned property. Notices were sent to properties within a 300 foot radius of this parcel. Margo Williams, pastor of Our Father Church, 473 E. Laketon, responded by email the following comment: “There is another church next door to 473 E. Laketon. I support churches, but placing another church in the area is not conducive for our community. I would recommend that it remain Convenience and Comparison Business District.” Michelle Wolfe of 1832 Manz St. called and stated that she had no objection to the request.

B. Turnquist asked if the applicant had indicated how many the church would seat. C. Banks stated that they would have less than 175 seats, or whatever amount was in compliance with the zoning ordinance. B. Turnquist asked if the church had a current location they were using now. C. Banks stated that they were sharing a location off Quarterline Road. D. Braden lived near the proposed church and stated that he was in favor of the request, since the building had been vacant for some time. He was glad to see that someone would use and maintain the property.

A motion to close the public hearing was made by S. Warmington, supported by B. Larson and unanimously approved.

L. Spataro stated that although this was a business corridor, several restaurants have opened and closed there over the years. He preferred to see the building occupied and maintained.

A motion that the Special Land Use Permit, per Section 1101 (#4) of Article XI of the Zoning Ordinance, to allow a church as a special use in a B-2, Convenience and Comparison Business District at 431 E. Laketon Avenue, by Cynthia Banks be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 1101 of the City of Muskegon Zoning Ordinance with the conditions that: 1) The owner shall permit the Zoning Administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 2) The Special Land Use permit document shall be recorded with the Register of Deeds, 3) The parking lot shall be striped and there shall not be more seats than allowed by the City of Muskegon's parking standards, and 4) The Special Land Use Permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 through 3, was made by B. Smith, supported by B. Larson and unanimously approved.

Hearing; Case 2011-13: Request for a Special Land Use Permit, per section 2203 of Article XXII of the Zoning Ordinance, to allow an expansion of a non conforming structure, not exceeding 30% of the total floor area of the existing building in an R-1, Single Family Residential District at 2226 Cottage Grove Avenue by Denise Schott. M. Franzak presented the staff report. The property at 2226 Cottage Grove is located in an R-1 zoning district, which requires a minimum 15-foot front setback. This property has two front yards, since it has frontage on two streets (Cottage Grove and Larkin St). There is no front setback on Larkin, since the building is built on or near the property line, making it a legally nonconforming structure. All other setbacks are met. Section 2203 (Nonconforming structures) of the Zoning Ordinance states that non-conforming structures may be changed to an extent not exceeding 30% of the total floor area of the existing building. The total floor area of this building is 1,200 square feet. The applicant is allowed to request an addition of up to 360 square feet. The proposed addition is 266 square feet, or 22% of the total floor area. The proposed addition would be a front porch, not additional living space. The minimum front setback of 15 feet on Cottage Grove would still be maintained after the proposed addition. Notice was sent to properties within a 300 foot radius of this parcel. Martin Leyrer of 2223 Resort called and said he has no objection to the request. The 1997 Master Plan Future Land Use Map identifies the property as "residential". Based on compliance with the 1997 Master Plan, staff recommends approval.

A motion to close the public hearing was made by S. Warmington, supported by B. Smith and unanimously approved.

A motion that the Special Land Use Permit, per section 2203 (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a nonconforming structure not exceeding 30% at 2226 Cottage Grove Avenue by Denise Schott be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2203 of the City of Muskegon Zoning Ordinance, with the conditions that 1) The owner shall permit the Zoning Administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, and 2) The Special Land Use Permit shall become null and void within one year of the public hearing if

the structure has not been constructed, was made by J. Doyle, supported by L. Spataro and unanimously approved.

T. Michalski stated that this particular area of town contained several properties that were non-conforming, and this request was not out of line compared to other properties in the area.

Case 2011-14: Request for Site Plan Review for the property at 340 Morris Street for a new 11,000 square foot building, by Robert Dykstra of Missing Link Group, LLC. M. Franzak presented the staff report. The parcel known as 340 Morris Street is a 46,800 square-foot lot that was recently split from a larger parcel at 372 Morris Street (known as the Morris Street lots), owned by the Community Foundation for Muskegon County. Both parcels are zoned B-3, Central Business and are currently used as parking lots. The original site plan for a 9,985 square-foot building was initially reviewed by staff and approved on 8/24/11. However, the building will now be 11,000 square feet, which requires Planning Commission approval. The building will be the new location of the Social Security Administration (SSA), and will be a one-story brick structure measuring 18 feet in height. Properties to the east, west and south of the site are also zoned B-3, and properties to the north are zoned B-2, Convenience and Comparison Business. There is an ingress and egress easement between the property owner and the Community Foundation on the west side of the property. The ingress and egress curb cut on the southeast corner of the lot will be replaced with new curb and gutter. New on-street parking will be striped in its place. The site plan calls for 53 parking spaces. This parcel is located in the Downtown Parking Overlay District, and after the discounted parking calculations, the building would require less than 20 on-site parking spaces. The Fire Department has the following conditions of approval: 1) Water supply fire flow calculations shall be conducted and comply with IFC 2009 Appendix B sections, 2) Key box required for fire department access, and 3) Address shall be posted on front of building. The Planning Department has the following condition of approval: The dumpster enclosure must be shown in more detail (material, size, etc). The Public Works and Engineering Departments have no outstanding issues with the site plan. Staff recommends approval of the site plan for the building at 340 Morris Ave, subject to the conditions listed in the staff report.

B. Larson asked about the condition of the ground under the pavement on the site. B. Dykstra stated that it was a Brownfield site that had previous environmental studies done. L. Spataro had some concerns with the following design aspects that he felt conveyed a lack of connectivity to the downtown: 1) there would be a blank wall facing a public street with no entrances off the street and 2) setbacks--he preferred that the building sit closer to the public right-of-way and not so far back. B. Turnquist stated that the aerial photo appeared to show the Morris lot encroached on the neighboring Indian cemetery. M. Franzak stated that the parcel lines on the aerial photos were not exact and there would be no encroachment onto the neighboring property. B. Dykstra stated that the building would be a nice-looking brick structure with a lot of windows, but Homeland Security requirements dictated placement of the building and doorways. J. Doyle asked what the term of the SSA lease for the building was. B. Dykstra stated that it was 10 years. S. Warmington asked about window placement. B. Dykstra stated there would be windows on every side of the building.

R. Rocha stated that he was the union representative for AFGE Local 3272, and he listed several concerns they had with the building. He requested that the Planning Commission postpone their vote for 30 days so that they could review the building plans. He stated that the placement of the building on the site would cause a hardship for employees, as well as safety and security issues. He wanted the building set back further from the street, and a separate parking area for

employees. He discussed other issues he felt posed a safety and/or security risk. B. Larson asked what the timetable for the start of construction was. B. Dykstra stated that it was about 10-30 days. B. Larson stated that this case wouldn't even require Planning Commission approval, except that it was over 11,000 square feet. He was against any postponement by the Planning Commission. L. Spataro concurred. He stated that the Planning Commission's responsibility was to enforce local ordinances; however, if Planning Commissioners wanted to include a condition of approval stating that the building must meet homeland security requirements, they could do that. S. Warmington didn't think the Planning Commission should require the developer to comply with homeland security requirements for the building, since the SSA would be a tenant, not the owner. The safety and security issues discussed would be addressed in the Federal requirements. B. Smith agreed. She asked if handicap accessibility requirements had been met. M. Franzak stated that barrier-free parking requirements were met, but building accessibility issues were not addressed at the site plan level. B. Dykstra stated that barrier-free requirements would be met. R. Rocha stated that he had just recently found out about the building so he had not had time to review the plans. T. Michalski stated that the Social Security Administration would have to meet Federal requirements and he did not see a need to postpone a vote on the site plan. Board members concurred.

A motion that the site plan for the property located at 340 Morris Avenue for The Missing Link Group, LLC be approved, based on the conditions that 1) Water supply fire flow calculations shall be conducted and must comply with IFC 2009 Appendix B sections, 2) A key box is required for fire department access, 3) Address shall be posted on the front of the building, and 4) The Dumpster enclosure must be shown in more detail (material, size, etc) and approved by the Zoning Administrator, was made by L. Spataro, supported by B. Larson and unanimously approved.

Case 2011-15: Request for Site Plan Review for the property at 1981 Port City Blvd. for a 12,350 square foot building addition, by Fleet Engineers, Inc. M. Franzak presented the staff report. This is an industrial building located in an I-2, General Industrial district. There are three buildings owned by Fleet Engineers at this facility, all of them located on separate parcels (1800 E Keating Ave, 1981 Port City Blvd, 1895 Port City Blvd). The addition will be on the building located at 1981 Port City Blvd, on the corner of Port City Blvd. and East Keating Ave. The building on this property is currently 33,240 square feet, and the proposed addition is 12,350 square feet. There will also be a silo built just north of the building addition. The silo pad measures 16' x 60' (960 square feet). There will still be adequate maneuvering space for two way traffic after the addition. The Fire Department has the following conditions of approval: 1) Water supply fire flow calculations shall be conducted, 2) Gate entrance and access to building shall maintain a minimum of 24 feet, and 3) Pavement shall support load of 76,000-pound apparatus. The Planning, Engineering, and Public Works Departments have no outstanding issues with this site plan. Staff recommends approval of the site plan for the property at 1981 Port City Blvd, subject to the conditions listed in the staff report.

S. Antekeier stated that Fleet Engineers was getting into the injection molding business and needed to expand their manufacturing capabilities. They wanted to stay in Muskegon and add on to their present facilities.

A motion that the site plan for the property located at 1981 Port City Blvd for Fleet Engineers Inc. be approved, with the conditions that 1) Water supply fire flow calculations shall be conducted, 2) Gate entrance and access to building shall maintain a minimum of 24 feet, and 3)

Pavement shall support load of 76,000-pound apparatus, was made by B. Turnquist, supported by L. Spataro and unanimously approved.

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 4:46 p.m.